

REMARKS

In the Notice of Non-Compliant Amendment mailed September 30, 2008, Claims 26-43 were withdrawn from consideration as being directed to a non-elected invention. Applicants respectfully disagree with this holding, but have nevertheless amended the pending claims in order to further advance prosecution of the present application.

Applicants thank the Examiner for his time during telephone conversations on October 6, 2008, and October 8, 2008. The features that gave rise to the restriction and options for avoiding the restriction were discussed. No agreement was reached with regard to the restriction or with regard to patentability.

With this response, applicants have amended Claims 26, 37, 42, and 43 pursuant to the discussion in those telephone conversations. Applicants respectfully submit that the pending claims, as amended, are not independent or distinct from the invention originally claimed, and that the requirement of restriction is now moot. Therefore, applicants respectfully request reconsideration and allowance of the pending claims. Applicants refer to the previous response for further discussion of the patentability of the pending claims over the patents and publications of record.

The Examiner is invited to contact the undersigned attorney at the number provided below to resolve any issues that may arise in order to advance prosecution of this application.

Respectfully submitted,

CHRISTENSEN O'CONNOR
JOHNSON KINDNESS^{PLLC}



David P. Sheldon
Registration No. 62,494
Direct Dial No. 206.695.1611

DPS:lal

LAW OFFICES OF
CHRISTENSEN O'CONNOR JOHNSON KINDNESS^{PLLC}
1420 Fifth Avenue
Suite 2800
Seattle, Washington 98101
206.682.8100